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SB ~~221~~ - Revise municipal non-partisan elections

Comments from non-partisan counties:

Lines 22-24 will not create confusion. The majority of our county offices do not have competition – usually just the Commission or the Sheriff. Under the current law we have to put all the offices on the ballot when only one office has several candidates file. The voters are always asking why we put the rest of the offices on the ballot – the comment is usually something like “do you just want to know how many votes you will get”. The Commissioners are always disgusted that I have to put all the offices on the ballot because they grasp the fact that it costs money to print, program the counting machines and automarks for these offices.

Bonnie Ramey, Clerk and Recorder/Assessor/Election Administrator, Jefferson County

406-225-4020

Linda – actually, lines 18 – 21 are very confusing just in determining firsthand whether a primary need be held. (wow – is that what the current law reads?) Can the language be simplified? And yes, lines 22 – 24 are confusing because it changes the criteria now to “in excess of two times” when the language above is “in excess of three times”. And frankly, not including an office race in the primary when other races are held, could be confusing to the voter. Right now we have the option of including non-partisan races (and not necessarily of multiple candidates) on the primary but we don’t have to; it’s been tradition only and we can work at educating the public so we don’t have to continue that.

I don’t know what Sally will say but I think she would agree that if there are sufficient candidates to warrant a primary for any office(s) then all candidates for all races are put on the primary or at the very least “in excess of one”. An “incumbent only” race need not be on the primary but for any race where there is more than the incumbent (regardless of number) then yes, a primary should be held for that office if the criteria above has been met.

I hope I haven’t been as confusing as the language of that bill!

Thanks,

Marcia Henigman

Carbon County

If you have 6 wards up for election and 2 wards meet the criteria to run a primary election (x number of candidates file for those two wards), current law requires us to hold the primary election all 6 wards. Many time there is only one candidate or two that have filed and will move on to the General election. The City of Missoula wants to hold an election for the wards that require a Primary and not in the Wards that don't.

That being said, if a Primary is required because the number of candidates filed forces a primary election in the Mayor's race, would just the Mayor's race be on the ballot - that ? is for Lisa, that would answer Bonnie's question below. Vickie

Vickie M. Zeier

Missoula County Clerk & Recorder/Treasurer
(406) 258-3234

Boy, this bill really does make my head spin ☺. I didn't see a question from Bonnie in the emails, but in answer to Vickie's question, yes, if the non-partisan mayor race is the only one that qualifies, there will be a primary for that race in all wards.

And for Marcia's concern about voter confusion, the governing body can still decide to put all offices on the ballot (if they feel that voters would be confused, or for whatever reason).

For the issue of "three times" vs "two times" that Marcia brings up, the idea is that under (2)(a) the standard is easy for cancelling the entire election. If the election is held however, then you would have all the offices with excess of two times the number of candidates on the ballot, so that you go into the general with no more than two candidates per office.

I think this is quite a big change for county even-year non-partisan elections, since people are used to seeing all of the county offices on the ballot, and will now only see one or two, or perhaps none. And then all of a sudden, they will all appear on the general election ballot. But, like Bonnie said, it takes money to put offices that only have one or two candidates on the ballot. Marcia seems to be saying that she would favor putting all of the candidates on the primary ballot if any office has to appear, and that is still an option, but it has to be requested by the governing body.

I think the sponsor's intent was to do this for municipal elections only, but the bill did not get drafted that way.

Lisa Kimmet, Deputy

Yep, feel free to share my responses. Pat might be reassured by the fact that the governing body can still request that all of the offices be on the primary ballot.

Lisa Kimmet, Deputy

The only thing I could think of is something like below, but you'd still have to have the existing statutes for the other non-partisan elections (or maybe refer to "elections held pursuant to 13-1-107(2)" before each new provision. You're right, it is tricky to envision:

For a primary election held pursuant to 13-1-107(2)

(b) If the election administrator determines that a primary election must be held pursuant to subsection

23 (2)(a) for a local nonpartisan office, the election administrator shall conduct the election only for the local

24 nonpartisan offices that have candidates filed in excess of two times the number to be elected to that office.

25 (b)(c) If the election administrator determines that a primary election need not be held pursuant to

26 subsection (2)(a) for a local nonpartisan office, the administrator shall give notice to the governing body that a

27 primary election will not be held for that office.

28 (3) The governing body may require that a primary election be held for a local nonpartisan office if it

29 passes a resolution not more than 10 days after the close of filing by candidates for election stating that a primary

30 election must be held for that office."

31 - END -

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Lisa Kimmet, Deputy

Elections and Government Services Division